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# Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Namibia

## Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, on her mission to Namibia from 2 to 13 March 2017. The main objective of the visit was to identify both best practices and gaps in the implementation of existing laws relating to the promotion and protection of the rights of older persons. In her report, she assesses the implementation of existing international instruments and of laws and policies pertaining to the enjoyment of all human rights by older persons in Namibia. Based on information gathered prior to, during and after the visit, the Independent Expert analyses the challenges faced in the realization of all human rights by older persons, paying particular attention to ostracized persons, groups and peoples. She also examines measures to foster the implementation of standing laws and policies that contribute to the promotion and protection of the rights of older persons.

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# Report of the Independent Expert on the enjoyment of all human rights by older persons on her mission to Namibia*

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* Circulated in the language of submission only.

# I. Introduction

1. Pursuant to Human Rights Council resolution 33/9, the Independent Expert on the enjoyment of all human rights by older persons conducted an official visit to Namibia from 2 to 11 March 2017, at the invitation of the Government. The purpose of the visit was to identify best practices and gaps in the implementation of existing laws relating to the promotion and protection of the rights of older persons in the country.

2. During her visit, the Independent Expert met with representatives of the Government, local authorities and non-governmental organizations as well as other relevant stakeholders. The Independent Expert thanks the Government of Namibia for extending an invitation to her and for its cooperation throughout the visit. She also expresses her appreciation to the United Nations country team in Windhoek, whose assistance in planning and carrying out the mission was indispensable, as well as the Office of the United Nations High Commissioner for Human Rights and the Special Procedures Branch for its support in the preparation and conduct of the visit.

# II. Background and context

3. Between 1883 and 1915, Namibia was part of so-called South West Africa under German colonial rule. Following the defeat of Germany in the First World War, Namibia was administered by South Africa as a mandated territory under the League of Nations and then the United Nations, and was eventually subjected to the country's racially discriminatory apartheid policies.[1]

4. On 21 March 1990, Namibia gained independence after a decades-long struggle and has since enjoyed political stability and steady economic growth. It is ranked as an upper-middle-income country and, while poverty levels have declined significantly, they remain high for certain parts of the population and certain regions of the country. Inequality, a legacy of the colonial rule, persists, and includes disparities in income, housing, land and property distribution, participation in the labour market and access to services. It is pervasive between sexes, among different races and ethnic groups and also between urban and rural areas in terms of opportunities and availability of services.[2]

5. The Government of Namibia recognizes the fact that the number of older persons is on the increase; however, discussions on ageing view the phenomenon as a distant possibility, and in any case primarily a family matter. Indeed, ageing in Namibia is a phenomenon that is just beginning to take shape, in line with the overall trend in sub-Saharan Africa. Ageing is nonetheless of particular concern in the region and in Namibia, as the projected growth rate of the older population of sub-Saharan Africa is expected to be faster than that experienced by any other region since 1950.[3] In 2015, there were 46 million people aged 60 years or over in sub-Saharan Africa, as compared with 23 million in 1990. In 2050, a projected 161 million older persons will reside in the region. It is estimated that in the next few decades the population aged over 60 in Namibia will triple, reaching about 21 per cent.[4]

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[1] Marion Wallace, *A History of Namibia: From the Beginning to 1990* (Oxford University Press, 2011), pp. 273 ff.

[2] United Nations Namibia, *2015 Baseline Study Report on Human Rights in Namibia*, p. 9; Henning Melber, *Understanding Namibia: The Trouble of Independence* (Oxford University Press, 2014), pp. 1, 111 ff. and 149 ff.

[3] See www.un.org/en/development/desa/population/publications/pdf/popfacts/PopFacts_2016-1.pdf.

[4] World Bank, "Namibia's emerging pension system: evaluation, challenges and options", report to the Ministry of Health and Social Services and the Social Security Commission of Namibia, 17 March 2009.

6. In the *Lebenswelt*, or "lifeworld",[5] of the developed world, chronological time plays a paramount role in the determination of age. The age of 60 or 65, roughly the beginning of retirement age in most developed countries, is often said to be the beginning of old age, but there is no general agreement on the age at which a person becomes old and this definition is not well adapted for developing countries. In fact, the ageing process is not merely a biological reality, but also the subject of social construction. In developing countries, chronological time seems to have less or no importance in determining old age, while other socially constructed meanings of age are more significant such as the roles assigned to older people.[6]

7. The more traditional African definitions of older persons correlate with the chronological ages of 50 to 65 years, depending on the setting, the region and the country. Adding to the difficulty of establishing a definition, actual birth dates are quite often unknown because many individuals in Africa do not have an official record of their birth. In addition, chronological or accepted definitions of ageing can differ widely from traditional or community definitions of when a person is "older".[7] It is essential to be mindful of the conceptual differences in the determination of old age when considering the human rights situation of older persons in a context such as the Namibian one, where in the year 1998, 29 per cent of the population did not live to the age of 40.[8] This very much exemplifies the relativity of old age.

8. In a recent study on older persons in Namibia, the majority indicated that they were heads of household. In 1991, 81.4 per cent of men aged 60 years and above were heads of household. This proportion declined to 75.5 per cent in 2001 and then rose to 80.9 per cent in 2011. The majority of older women who reported that they were heads of household were widowed, a trend that is decreasing. This could be attributed to increased life expectancy of older men as a result of social welfare improvements, remarriage, or being taken in by another household when the woman's partner dies.[9]

9. Before independence in 1990, more than 60 per cent of Namibia's population lived in rural areas and most families practised traditional ways of living. Access to education and health services was restricted and a high proportion of the population had not attained high levels of education. Life expectancy was low compared with the current figure. With improvements in services and improved access, a large number of young people migrated to urban areas in search of these services and for employment opportunities.[10] The majority of older persons still live in rural areas.

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[5] *Lebenswelt* (lifeworld) is a concept used in philosophy and the social sciences, meaning the world "as lived" prior to reflective re-presentation or analysis. It is used here in reference to Jürgen Habermas, *The Theory of Communicative Action, Reason and the Rationalization of Society*, Vol. 1 — *Reason and the Rationalization of Society* (Cambridge, United Kingdom, Polity, 1986, reprinted 2004), pp. 335-337.

[6] M. Gorman, "Development and the rights of older people", in Judith Randel, Tony German and Deborah Ewing, eds., *The Ageing and Development Report: Poverty, Independence and the World's Older People* (London, Earthscan, 1999), pp. 3-21.

[7] World Health Organization, proposed working definition of an older person in Africa for the Project on Minimum Data Set for Ageing in Africa (2002). Available from www.who.int/healthinfo/survey/ageingdefnolder/en/.

[8] Eckard Schleberger, *Namibia's Universal Pension Scheme: Trends and Challenges*, Extension of Social Security Paper No. 6 (Geneva, International Labour Office, 2002), p. 2. Available from www.ilo.org/wcmsp5/groups/public/---ed_protect/---soc_sec/documents/publication/wcms_207689.pdf.

[9] Nelago Indongo and Naftal Sakaria, "Living arrangements and conditions of older persons in Namibia", *Advances in Aging Research*, vol. 5 (2016), pp. 97-109. Available from http://file.scirp.org/pdf/AAR_20160822174252O6.pdf.

[10] Ibid.

10. Namibia was not ranked on the Global AgeWatch Index 2015, owing to data limitations in the four key domains of the index, i.e., income security, health status, capability and enabling environment.[11]

## III. Administrative, legal, institutional and policy framework

11. Article 27 (2) of the Constitution of the Republic of Namibia (1990) provides for an executive presidency, with the President as the Head of State and Head of Government. There are three layers of Government, namely the central Government, consisting of the President and Cabinet of Ministers; the regional councils; and local authorities, of which 16 are municipalities, 17 town councils and 18 village councils.[12]

12. Namibia has a bicameral system of parliament: the National Assembly, which has legislative powers subject to the Constitution, and the National Council, which, in the terms of articles 63 (1) and 74 (1) (a) of the Constitution, is a house of review. Namibia conducts regular elections as a way of guaranteeing governmental activity and promoting democracy. The last election took place in November 2014. The Electoral Act, Act No. 5 of 2014, makes provision for electoral challenges of election results through the judicial system.[13]

13. The Government of Namibia has implemented a decentralization policy in order to make public services available in all the regions, including the rural areas, of the country. The aim of the decentralization policy is to ensure economic, cultural and socioeconomic development; to provide people at the grass-roots level with opportunity and to give them the right to participate in decision-making at their level and extend democracy to them. The decentralization policy also provides the basis and a framework for the Government to devolve functions, responsibilities, powers and resources to the lower levels of government, namely the regional councils and local authorities.[14] Despite the fact that Namibia has been undergoing a decentralization policy since 1998, this process has been slow and limited.[15]

14. The Namibian Constitution contains a number of human rights provisions. Chapter 3, called the Bill of Rights, enshrines a list of "Fundamental Human Rights and Freedoms", including equality and freedom from discrimination, the right to property, the right to culture and the right to education, among other rights. Economic, social and cultural rights are referred to in chapter 11 as "Principles of State Policy". While article 95 attempts to address social justice issues, providing that the State should "actively promote and maintain the welfare of the people by adopting, inter alia, policies aimed at ... ensurance that senior citizens are entitled to and do receive a regular pension adequate for the maintenance of a decent standard of living and the enjoyment of social and cultural opportunities", economic, social and cultural rights are not justiciable (see A/HRC/23/36/Add.1, para. 9).

15. Customary law is incorporated into the legal framework of Namibia through article 66 (1), which affirms that both customary law and common law are valid as long as those laws do not conflict with the Constitution or other statutory laws. This recognition of customary law is further elaborated in section 3 of the Traditional Authorities Act (Act No. 25 of 2000).

16. The Traditional Authorities Act provides for the establishment and recognition of traditional leaders. In some communities women are recognized as traditional leaders, as

[11] See http://www.helpage.org/global-agewatch/population-ageing-data/country-ageing-data/?country=Namibia and www.helpage.org/global-agewatch/about/about-global-agewatch/

[12] "Republic of Namibia's 6th periodic report on the African Charter on Human and Peoples' Rights", 2015, p. 33. Available from www.achpr.org/files/sessions/58th/state-reports/6th-2011-2014/namibia_state_6th_periodic_report.pdf

[13] Ibid., p. 54.

[14] Ibid., p. 34.

[15] See A/HRC/23/36/Add.1, para. 16, citing Clement Daniels and Frederico Links, "Towards a national integrity system", Institute for Public Policy Research, Windhoek, May 2011.

chiefs and senior councillors. These traditional leaders lead their communities and participate in the government decision-making process.[16]

17. The Independent Expert was pleased to learn that a draft bill for the rights, protection and care of older people has been prepared and will replace the Aged Persons Act No. 81 of 1967. This draft bill, inter alia, foresees the establishment of a national inter-agency coordinating body for older persons. It also regulates the establishment, registration and management of homes and residences for older persons and contains provisions on shelters, community-based care facilities and support services for older persons. Furthermore, the bill foresees making the establishment of frail care units compulsory in certain circumstances and providing for the transfer of older persons to geriatric units.

18. Namibia has ratified most international human rights treaties that are of relevance to older persons. It is a State party to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, the International Covenant on Economic Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

19. It has not, however, ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrants Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

20. Namibia is also party to several regional human rights instruments, such as the African Charter on Human and Peoples' Rights and its Protocol on the Rights of Women in Africa.

21. Furthermore, Namibia is a party to many fundamental conventions under the International Labour Organization (ILO). These include the Forced Labour Convention, 1930 (No. 29); the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); the Right to Organize and Collective Bargaining Convention, 1949 (No. 98); the Equal Remuneration Convention, 1951 (No. 100); the Abolition of Forced Labour Convention, 1957 (No. 105); the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); and the Minimum Age Convention, 1973 (No. 138). It is not a party to the Indigenous and Tribal Peoples Convention, 1989 (No. 169), although ratification of this treaty is being considered by the Government.

22. The country follows a monist approach. Article 144 of the Constitution makes provision for all international instruments on human rights that Namibia has ratified to form part of Namibian law. The Independent Expert reiterates her concerns that without legislative transposition, the realization of human rights remains incomplete and depends on legal interpretation by the judiciary (see A/HRC/23/36/Add.1, para. 11). She welcomes the Government's recognition that there is a need for parliament to enact legislation to give effect to some of these instruments (see A/HRC/WG.6.10/NAM/1 and Corr.1, para. 44).

23. The responsibility for older persons cuts across several ministries in Namibia. The Government established the InterMinisterial Committee on Human Rights, which consists of all ministries the nature of whose mandate implicates human rights issues. The operations of the Committee are coordinated under the Ministry of Justice.

24. The National Human Rights Action Plan for the period 2015-2019, which was launched by the President of Namibia on 9 December 2014, seeks to improve, respect and fulfil human rights in Namibia, in line with paragraph 71 of Part II of the Vienna Declaration and Programme of Action of 1993 regarding the desirability of drawing up a national action plan. The Office of the Ombudsman oversees the implementation of the Action Plan. The Government bases its economic and social policies on a long-term plan called Vision 2030, through which Namibia aspires to become an industrialized nation by the year 2030.

[16] "Republic of Namibia's 6th periodic report", p. 61.

25. In 2016, Namibia launched the Action Plan towards Prosperity for All, the so-called *Harambee* Prosperity Plan 2016/17-2019/20. This development action plan contains, inter alia, a chapter on social progression. The key issues in this chapter are hunger, poverty, housing and sanitation, infant and maternal mortality and vocational education and training.[17]

26. The Office of the Ombudsman (The Ombudsman Act No. 7 of 1990) is the only ombudsman's office in Africa that has been accredited with "A" status twice in succession under the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) over the last three years.[18]

27. Namibia is also a member of the African Union, the Southern African Development Community and the Commonwealth.

# IV. Independent Expert's main findings

## A. Discrimination

28. Older persons fall within the ambit of article 10 of the Namibian Constitution, which prohibits discrimination on the grounds of, inter alia, social and economic status. Age or disability are not explicitly listed as prohibited grounds of discrimination, and while all constitutional rights apply equally to older persons, only the most vulnerable older persons would fall within the scope of the non-discrimination provision.[19]

29. Further to article 25 (2) of the Constitution, "aggrieved persons who claim that a fundamental right or freedom guaranteed by this Constitution has been infringed or threatened shall be entitled to approach a competent Court to enforce or protect such a right or freedom". In spite of this constitutional guarantee, the high cost of legal fees, the physical distance to the courts and long delays constitute barriers to access to justice in Namibia. An older person in a rural area whose rights are being violated may not be able to afford transport to town to file a lawsuit or the cost of staying there during the litigation.

30. Aggrieved older persons may also approach the Ombudsman, who has the mandate to investigate allegations of the breach of fundamental rights and freedoms stipulated in the Namibian Bill of Rights, including discrimination complaints. This mandate is, however, mostly limited to civil and political rights, in addition to the rights to culture and education, but does not encompass economic, social and cultural rights (see A/HRC/21/42/Add.3, para. 7). If the Ombudsman finds that a violation of a fundamental right or freedom has occurred, he/she may provide suitable remedies, including attempting a compromise between the parties concerned, bringing the matter to the attention of the authorities, referring the matter to the courts, or seeking judicial review. Generally, in view of the lack of the explicit prohibition of age discrimination, older persons have not been a target group of the Ombudsman's awareness-raising activities, as he indicated to the Independent Expert during their meeting.

31. The draft bill for the rights, protection and care of older people would, inter alia, improve the protection of older persons against discrimination. According to the bill, when deciding whether to admit a person to a home for older people, no person may be unfairly discriminated against on the basis of gender, race, colour, ethnic origin, religion, creed or social or economic status.[20]

[17] See www.op.gov.na/documents/84084/263874/HPP+Document+FINAL_PRINT.pdf/c671f84a-13e2-42cb-8899-73ecb5d7ce18.

[18] "Republic of Namibia's 6th periodic report", p. 24.

[19] Ibid., p. 22.

[20] See www.lac.org.na/projects/grap/Pdf/elders.pdf.

## B. Violence and abuse

32. While Namibia recognizes that gender-based violence is a serious concern, there is little discussion about the incidence of violence against older persons, elder abuse or maltreatment and little research has so far been undertaken.

33. In its 2006 report on the status and living conditions of older people in Namibia, the Ministry of Health and Social Services reported that an alarming 21 per cent of older persons had experienced physical abuse, 7 per cent had experienced sexual abuse and 18 per cent had been emotionally abused.

34. Another concern is financial abuse experienced by older persons, particularly in the form of the misuse of their old-age grants to meet young people's or caregiver's needs, while the pensioners are left to endure social isolation and economic deprivation.[21] The Independent Expert received information that false accusations also form part of abuse in Namibia as some older persons, for instance those suffering from dementia, tend to be accused of witchcraft and end up living in isolation or being killed.

35. Underreporting of cases of domestic violence, including violence against and abuse and maltreatment of older persons, remains a concern in Namibia. Victims of domestic violence still experience problems when turning to police, including unsympathetic police attitudes, long response time, failure to provide follow-up, inadequate investigation, persisting belief among police that domestic violence is a private matter and victim blaming. Other barriers for rural women in particular include a high rate of illiteracy, which makes dealing with official forms more difficult; long distances to reach service providers and courts; and a continuing lack of knowledge of their legal rights. There also seems to be an inaccurate perception that always and in all instances money is needed for lawyers and court costs.[22]

36. Namibia has no law that specifically addresses violence against older persons, elder abuse or maltreatment of older persons. There are, however, provisions in other laws that can be invoked in dealing with such instances.

37. Article 8 of the Constitution provides that the dignity of all persons shall be inviolable. In addition, the promotion and protection of women's dignity and rights are regulated and protected by the Combating of Domestic Violence Act, the Combating of Immoral Practices Amendment Act and the Criminal Procedure Act, as amended.[23]

38. The Combating of Domestic Violence Act contains an extensive definition of domestic violence, which includes physical, sexual, economic, verbal, emotional and psychological violence, intimidation and harassment. It further provides for the issuance of protection orders and police warnings in domestic violence matters. It also has provisions that should give added protection to complainants who lay criminal charges against their abusers. The Act gives police specific duties in domestic violence incidents, including the duty to help complainants get access to medical treatment and collect their personal belongings.[24]

39. The Act states that if a person over the age of 21 is for some reason unable to make an application for a protection order in person, someone else can do it on his/her behalf provided that this person has written consent. This enables older persons who may find it difficult to travel to the court to entrust a friend, family member, pastor or social worker to make the application on their behalf.

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[21] See www.newera.com.na/2016/09/07/elderly-live-deplorable-conditions/

[22] Legal Assistance Centre, *Domestic Violence in Namibia and the Combating of Domestic Violence Act 4 of 2003: Summary Report*, available from http://photos.state.gov/libraries/namibia/19452/public/seeking-safety-domestic-violence-in-Namibia.pdf.

[23] "Republic of Namibia's 6th periodic report", pp. 50 ff.

[24] Ibid., p. 49.

40. One in 10 people who apply for a protection order are over the age of 50. Older persons who apply for protection orders generally request provisions such as no communication, custody of grandchildren, limitations of access by the abuser to grandchildren and temporary maintenance.[25] Overall, protection orders seem to be less effective in cases of elder abuse, as many older victims of abuse may allow an abusive family member back in the home because of strong parent-child relationships.

41. Attitudes pertaining to equality and violence, including against older persons, shape both the perpetration of such violence and the responses to it. Substance abuse, particularly of alcohol, is also often cited as an aggravating factor within this context in Namibia.

42. In 2009, the Government, while not specifically targeting older persons, launched the National Media Campaign on Zero Tolerance for Gender-Based Violence to raise awareness of the concerns, reflect the Government's aspiration for zero tolerance of such violence and empower service providers and members of the public to prevent, detect and report cases of gender-based violence.[26] The Independent Expert noted that the scope of envisaged follow-up campaigns should be extended to raise awareness about the issue of violence against, abuse and maltreatment of older persons.

## C. Adequate standard of living and autonomy

43. According to the Baseline Study of Human Rights of 2013, older persons in Namibia do not generally enjoy an adequate and decent standard of living. A large percentage of older persons were found to live in poverty, were susceptible to crime and were unemployed. About 74 per cent of Namibian households could not afford conventional housing and only 57 per cent of urban households had access to sanitation facilities, which has serious environmental and health implications.[27]

44. Housing conditions of older persons in rural areas have significantly improved since independence while in urban areas housing conditions have worsened because of the increase in the number of informal settlements, which has further hindered the access of older persons to basic needs such as sanitation facilities, water and electricity supply.[28]

45. Under the National Housing Policy, the Government provides subsidies and grants to older persons and persons with disabilities. The Social Housing Subprogramme facilitates the provision of housing by renting houses to welfare cases at low interest rates while renting to non-welfare cases at market rates to subsidize it. The Government also financially supports the Shack Dwellers Federation of Namibia, a community savings group which provides housing for the poor.[29] In spite of the efforts made, concerns remain with regard to the slow pace and the lack of capacity of the local authorities to develop sufficient and affordable residential housing for low-income households.[30]

46. As noted above, in April 2016, the President of Namibia launched the *Harambee* Prosperity Plan 2016/17-2019/20, to complement the long-term goals of the National Development Plans and Vision 2030. The plan seeks to fight poverty through wealth creation and growing the economy in a sustainable and inclusive manner. It specifically refers to social protection for older persons and addresses key areas such as hunger, poverty and housing, thereby having the potential to foster the full enjoyment by older persons of their rights. For example, under the plan the Government aims to build 20,000 houses, provide basic services to a minimum of 26,000 plots and build 50,000 rural toilets by the end of 2017.

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[25] Legal Assistance Centre, "In recognition of World Elderly Abuse Day", press release, available from http://www.lac.org.na/news/pressreleases/pressreleases.html.

[26] Republic of Namibia, Ministry of Gender Equality and Child Welfare, *National Plan of Action on Gender-Based Violence 2012-2016*.

[27] Indongo and Sakaria, "Living arrangements and conditions of older persons in Namibia".

[28] Ibid.

[29] "Republic of Namibia's 6th periodic report", p. 61.

[30] Ombudsman Namibia, *2013 Baseline Study Report*, p. 10.

47. As rural areas in Namibia have a large population of older persons who are highly dependent on subsistence farming, access to land is crucial, including in the fight against old-age poverty. Namibia witnessed massive levels of land dispossession affecting the black majority of the country at independence and while the Government recognizes the existing challenges with regard to access to land, the land reform has not been effective.[31]

48. Climate change is already affecting the subsistence farming livelihood system and human well-being in north-central Namibia. Experience shows that the effects of climate change have a disproportionate impact on older persons, owing to their reduced mobility, dependence and physical, emotional or mental condition.[32] Unless community-based adaptation strategies are developed to enhance the level of managing risks and future planning, households in north-central Namibia are not going to be able to cope with and adapt to extreme climate-related events.[33]

49. Namibia has a national policy on disability that requires the Government to ensure that older persons with disabilities do not fall out of society, but remain integrated and are given the rehabilitation and support to enable them to continue participating within their communities. There is, however, a gap between policy and practice, and in spite of some progress made, concerns remain over the limited access for persons with disabilities to public buildings, public transport and information.

## D. Social protection and the right to social security

50. Namibia has a comprehensive social protection system that plays a critical role in its economy and society.[34] In 1992, after independence, the Government universalized its non-contributory old-age assistance scheme. The National Pension Act provides for payment of pension grants and other financial support to citizens who have attained the age of 60 years. In addition, there are a number of schemes aimed at poverty alleviation.

51. There is a significant legal framework and a range of institutions, from public sector departments to public agencies and private sector firms, in the area of social protection. There is also extensive interaction or partnerships between public organizations (mostly State departments but also agencies) and private agencies (including payment agents, banks and NamPost) to deliver services.

52. The impact of Namibia's social assistance system overall is positive and is estimated to have contributed significantly to reducing poverty.[35] However, those older persons who do not have the required documentation, i.e., an identity card, are not able to access the old-age grant and are particularly vulnerable to old-age poverty.[36] These concerns are exacerbated as Namibia moves to new identity cards to replace the old South West Africa identity documents, which have not been considered legal since 31 March 2017; the Ministry of Poverty Eradication and Social Welfare required the new identity documents to be used as of 1 April. At the time of the Independent Expert's visit, however, it was estimated that at least 70,000 people countrywide were still in possession of the old identity cards. The Independent Expert is concerned that this measure may have a particular impact on older persons, all of whom may not be in possession of the birth certificate required to obtain a new identity card, which in turn is necessary to access government grants such as the old-age grant.

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[31] Melber, *Understanding Namibia*, pp. 3 ff.

[32] Scott Leckie and Chris Huggins, eds., *Repairing Domestic Climate Displacement: The Peninsula Principles* (Routledge, 2015).

[33] Margaret N. Angula and Maria B. Kaundjua, "The changing climate and human vulnerability in north-central Namibia", *Jamba: Journal of Disaster Risk Studies*, vol. 8, No. 2 (2015). Available from www.jamba.org.za/index.php/jamba/article/viewFile/200/376.

[34] International Labour Organization (ILO), *Namibia Social Protection Floor Assessment*, 2014. Available from /www.opml.co.uk/sites/default/files/Executive%20Summary.pdf.

[35] Friedrich-Ebert-Stiftung, *Social Protection in Namibia: A Civil Society Perspective*, September 2016. Available from https://cms.my.na/assets/documents/p1b2aoh5r914v4uktsusbucj1j4.pdf.

[36] See www.namibian.com.na/print.php?id=140275&typ=2.

53. In addition to the documentation requirements, lack of information and geographical distance from registration offices or distribution centres may hinder accessibility to the old-age grant (see A/HRC/23/36/Add.1, paras. 79-80). The lack of shelters against harsh weather such as sun, rain and wind at pay points is another concern.

54. Addressing old-age poverty in Namibia is also linked to addressing child poverty, as many older persons bear the brunt of caring for orphans and vulnerable children due to HIV/AIDS and the old-age grant often constitutes the household's only income. Therefore, from a number of perspectives (including those focused on human rights and the country's growth prospects), it is important for Namibia to address child poverty, unemployment and inequality as a matter of urgency.[37] The introduction of a universal child grant would not only lower child poverty but may also have a direct, positive effect on old-age poverty.

55. The Independent Expert notes the reported positive impact of the Basic Income Grant pilot project in Otjivero on reducing poverty, improving access to health and education, diminishing crime and increasing social cohesion.[38] While the Government did not pursue the universalization of such a grant, the Independent Expert was pleased to learn that the *Harambee* Prosperity Plan refers to a Blueprint on Wealth Redistribution and Poverty Eradication (2016-2025) to be released by the Ministry of Poverty Eradication and Social Welfare, which provides an opportunity to introduce a revised basic income grant scheme.

## E. Education, training and lifelong learning

56. Article 20 of the Namibian Constitution stipulates that all persons shall have the right to education. Namibia is also a signatory to international initiatives that promote adult learning, and recognizes that education and training of adults is an essential component in meeting the national development priorities.

57. In 1992, soon after independence, Namibia established the Directorate of Adult Education to provide opportunities for adults, including older persons, to acquire the knowledge, skills and positive attitudes necessary to participate in socioeconomic activities of the country and improve their quality of life, taking into account the correlation between higher levels of education, financial resources and the likelihood of residential independence among older persons.

58. The Directorate is responsible for the National Literacy Programme, which is to provide literacy and numeracy skills to disadvantaged adults to enable them to contribute more effectively to national development, as well as for adult upper primary education, adult skills development for self-employment, and community learning and development centres. Courses and learning materials are provided free of charge. In 2013, the National Literacy Programme was awarded the Confucius Prize for Literacy of the United Nations Educational, Scientific and Cultural Organization.[39]

59. The Directorate of Adult Education acknowledges the challenges in implementing existing laws and policies, which include inadequate funding to implement programmes relevant to older persons such as adult skills development for self-employment, as well as in developing materials focusing on health, indigenous knowledge and income-generating projects. Funding is also required to ensure the availability of essential equipment to make the trainings accessible, in particular to develop learning materials for visually and hearing impaired adult learners.

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[37] ILO, *Namibia Social Protection Floor Assessment*.

[38] Melber, *Understanding Namibia*, pp. 151 ff.; and *Making the Difference! The BIG in Namibia* (Windhoek, Basic Income Grant Coalition, 2009), available from www.bignam.org/Publications/BIG_Assessment_report_08b.pdf; see also A/HRC/35/26.

[39] "Republic of Namibia's 6th periodic report", p. 56.

## F. Care

60. Namibia's health sector is guided by the Overall Health Policy Framework of the Ministry of Health, which was revised in 2010 for the period 2010-2020. The policy is based on the tenets of the primary health-care approach, which include equity, intersectoral collaboration and community participation.[40] It does not specifically address the health of older persons.

61. The Ministry of Health and Social Services is the main implementer and provider of public health services. In addition, faith-based organizations and a sizeable private sector operate health services.

62. While there are State hospitals in almost all the major towns in the country as well as clinics and health-care centres operated by the Ministry of Health and Social Services, Namibia's health system faces important rural-urban health disparities. There are a number of structural barriers to accessing health facilities (i.e., transportation, physical barriers, facility accessibility) and health service delivery process barriers (i.e., timeliness of services, scheduling of appointments, language, feeling respected and health provider knowledge) faced by older rural persons. The Independent Expert notes that the Ministry of Health and Social Services has adopted a road map to decentralize medical expertise from Windhoek to other parts of the country.

63. The National Policy on Community Based Health Care seeks to empower and strengthen community-based responses to support health care in rural settings. A key component of the policy involves the delivery of health services through community resource persons, including traditional healers, who can provide insight into the cultural context in which health services are being provided.

64. Older persons in Namibia receive free medical treatment at State health facilities and benefit from preferential treatment from businesses in some instances, such as discounts on certain dates on basic consumer products.[41] Older persons require a pensioners' card to prove their age. However, while older persons themselves benefit from free health services, because of the extended family system, which implies that older heads of household often bear the cost of the medical expenses of family members, health-care services are not experienced as being free at all.

65. Accelerated levels of urbanization, together with the country's low population density, have the potential to erode the traditional family care system. According to the 2001 population and housing census, 15.5 per cent of older persons were cared for by other relatives, while 9.2 per cent were under the care of their sons or daughters. These proportions decreased significantly in 2011, notably as a result of growing urbanization. The movement of the younger generation to urban areas has led to less availability of caregivers for older persons and leaves large numbers of older men and women to look after themselves in the rural areas.[42] This movement puts older persons at risk of living alone and makes them vulnerable in terms of care, as there are few or no young people to look after them. Further investment by the Government in health and care infrastructure will be required to provide alternatives for the older persons in rural areas.

66. According to the Ministry of Health and Social Services, Namibia's few old-age homes are mainly found in Windhoek city and other towns like Rehoboth and the coastal towns, but are rare or non-existent in the northern and north-eastern regions of the country, where more than 50 per cent of older persons reside.[43] Older persons who are still self-sufficient can be accommodated at these facilities against payment of a nominal fee. Namibia has no day-care centres for older persons.

67. Namibia continues to face significant challenges with regard to shortages of skilled and experienced health professionals (doctors, nurses, pharmacists and social workers),

[40] Ibid., p. 39.
[41] Ibid., p. 22.
[42] Indongo and Sakaria, "Living arrangements and conditions of older persons in *Namibia*", p. 102.
[43] Ibid., p. 99.

especially in rural areas, and public health facilities have long waiting times.[44] Moreover, health services in the communities are unsustainable due to the heavy reliance on volunteer health workers.[45] Training of informal caregivers and the lack of support services need to be addressed to ensure quality care for older persons.

68. There is little awareness in Namibian society about dementia and its symptoms are often misinterpreted as a form of mental illness. The ongoing discrimination against and stigmatization of older persons suffering from dementia are the result of ill-informed belief systems about the causes, as well as limited knowledge about the treatment of dementia and need to be addressed as a matter of priority.[46]

69. Patterns of disease and response to treatment and therapies of older persons differ from those of other segments of the population, and it is therefore important that sufficient numbers of qualified geriatric health professionals are available to ensure that older persons can fully enjoy their right to health.

# V. Conclusions and recommendations

## A. Overall strategy and findings

70. **The Independent Expert acknowledges that Namibia has come a long way since it gained independence only 27 years ago, and that it has since enjoyed political stability and steady economic growth. She commends the Government for its political determination and vision of how to improve the lives of all Namibians by 2030 and to protect their human rights. She also commends the Government for its active engagement and leadership in the Geneva process as a member of the "Group of Friends on the Human Rights of Older Persons", which it is hoped will contribute to further deepening the discussions at the Human Rights Council and ensure that the Council remains seized of this important matter and actively engaged in shaping tomorrow's society.**

71. **While Namibia is ranked as an upper-middle-income country, it continues to be among the most unequal countries in the world. Acknowledging that poverty levels have been brought down significantly since independence, the Independent Expert notes that they remain high for certain parts of the population and certain regions of the country. While mindful that some of the inequalities that persist are the legacies of colonial rule and that attitudes do not change overnight, the Independent Expert stresses that the existing disparities are nevertheless unacceptable. She insists that more needs to be done, and can be done, to fight old-age poverty.**

72. **The issue of ageing in Namibia is just beginning to take shape, yet the challenges associated with an ageing society are not a distant phenomenon: the projected growth rate of the older population of sub-Saharan Africa is expected to be faster than that experienced by any other region since 1950. Older persons are a pillar of Namibian society, with the majority being heads of household, and their important contribution has to be recognized as such.**

73. **The challenges associated with an ageing society in Namibia suggest that immediate action is needed to foster social cohesion rather than putting the existing social cohesion in peril. In this respect, fighting old-age poverty is an efficient means of securing the *acquis* in terms of stability and relative prosperity as well as the social peace that exist in Namibia despite the pervasive and structurally rooted inequality and destitution levels of parts of the population and certain regions of the country.**

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[44] "Republic of Namibia's 6th periodic report", p. 56.

[45] See www.aho.afro.who.int/profiles_information/index.php/Namibia:Analytical_summary_-_Service_delivery.

[46] See http://primefocusmag.com/articles/564/Nam-s-old-also-battling-dementia/.

74. The Independent Expert stresses the need for a multidisciplinary approach when addressing the promotion and protection of the rights of older persons. She was pleased to learn that the Government intends to elaborate a comprehensive national policy on the rights, care and protection of older people. She stresses the need to ensure that any policy on older persons has to adopt a human rights-based approach, which places the individual and his/her rights at the centre. The existing international human rights framework, notably the United Nations Principles for Older Persons, alongside the core human rights instruments, should guide the Government's efforts in this regard. Emphasizing that a dedicated policy on older persons is key to ensuring improved protection of their rights, the Independent Expert calls on the Government to deploy every effort possible to finalize and put into motion such a national policy. She expresses her fullest support for conducting a necessary national study on the status and living conditions of older persons in Namibia in order to collect evidence-based information that will inform policy development. While sympathetic to current budgetary constraints, she expresses the hope that the international community will support Namibia, financially and through technical assistance, to conduct this study.

75. Recognizing that the establishment of the InterMinisterial Committee on Human Rights was a first, important step towards ensuring that a human rights-based approach is mainstreamed into all activities, the Independent Expert was pleased to learn, further to her visit, that the Government in the new financial year intends to establish an interministerial committee to coordinate the services for older persons. Such an independent interministerial coordination mechanism would also greatly facilitate the implementation of the planned national policy on the rights, care and protection of older persons and ensure a holistic approach. By ensuring a multidisciplinary approach to ageing, it will contribute to improving the enjoyment of all human rights by older persons in the country.

76. A comprehensive policy on older persons needs to be underpinned by a positive ageing strategy to promote a positive image of old age and the right of older persons to remain active members of society.

77. The Independent Expert recommends that the Government adopt an incremental approach, perhaps in the form of an implementation road map, which could instigate a new dynamic and additional donor support. She proposes that the initial phase address the collection of relevant background information on older persons in Namibia and the mapping of activities undertaken by various ministries. In the next stage, the views of experts and older persons should be sought in workshops and through other participatory means; these would then feed into a technical stage, i.e., the elaboration of a public policy on older persons the application of which would yield palpable results. In a final stage, this policy should be presented to the relevant authorities for approval. The Independent Expert stresses that the overall objective is to reinforce multisectoral efforts with a view to improving the functional health of older persons and their integration and participation in society and to progressively improve their subjective well-being.

78. The Independent Expert welcomes the Government's plans to enact new legislation on the rights, protection and care of older people, and calls on the Government to speed up the process of finalizing the legislation.

79. The Independent Expert encourages Namibia to ratify all human rights treaties to which it is not yet party, notably the Optional Protocol to the International Covenant on Economic Social and Cultural Rights, and to ensure that national legislation is in line with the obligations of Namibia under the Convention on the Rights of Persons with Disabilities.

80. The Independent Expert notes that the Office of the Ombudsman is the only statutory body in Namibia vested with the mandate to monitor respect for, and protection of, human rights, including those of older persons, in the country. She welcomes the work undertaken by the Office and encourages it to design a special human rights programme targeting older persons. She therefore recommends that the Namibian Constitution be amended to broaden the mandate of the Ombudsman to

include the promotion and protection of economic, social and cultural rights, which are particularly relevant with regard to the enjoyment by older persons of their rights. She also notes that it is essential for the independence of the Ombudsman that the Office be equipped with a budget that is sufficient to carry out the functions as set out by the law.

81. On the basis of these overall conclusions and the observations contained in the present report, the Independent Expert makes the following recommendations with regard to specific areas and actors.

## B. Recommendations to the Government

### 1. Study and statistics

82. The Independent Expert stresses that the availability of data and analysis is a prerequisite for efficient policy design. She welcomes the research efforts undertaken thus far and those envisaged by Namibia to analyse the current situation of older persons, identify trends and challenges and ensure a better understanding of the implications of an ageing population as an essential foundation for policy development. While the baseline study on human rights in Namibia conducted in 2013 by the Ombudsman is an excellent starting point, a follow-up study should be conducted with a strengthened focus on older persons and further disaggregating the data by age to reflect the extreme heterogeneity of the particular group of persons aged 60 years and older, which would also allow measurement of the impact of the steps taken.

83. The Independent Expert also commends the Government as well as the donor community for their efforts to foster research and training on ageing in Namibia. She was pleased to learn that the University of Namibia, in cooperation with the University of Münster in Germany, is currently developing a curriculum on old-age homes and nursing. She notes that such cooperation constitutes an additional avenue of capacity-building in areas relevant to the human rights of older persons and encourages the Government to support initiatives of this nature.

84. There is a lack of updated and disaggregated data on the characteristics and needs of the older population, thus preventing public policies from effectively reaching and addressing their needs. The Independent Expert therefore encourages the Government to ensure nationwide, systematic and regular collection of disaggregated data on impediments to the enjoyment of all human rights by older persons, for example, on all forms of discrimination based on age as a sole or accumulated criterion, on exclusion and on all forms of abuse and maltreatment. She also stresses the need to ensure that the voices of older persons are systematically included in surveys, for a better understanding of their needs and to reflect the enormous heterogeneity among older persons.

85. Studies, surveys and statistics should also take into account groups of older persons who are marginalized on multiple grounds such as gender, disability/impairment and ethnicity, or for any other reason. An efficient national data-collection system needs to be established to allow for a more systematic evaluation of measures and interventions and their effectiveness. Given that the data have to be used sensibly to avoid stigmatization and potential misuse, particular care should be exercised when collecting and analysing data in order to respect and enforce data protection and privacy.

### 2. Discrimination

86. The Independent Expert notes that the current non-discrimination provisions do not specifically protect older persons. She recommends that the Namibian Constitution be amended to include disability and age as prohibited grounds of discrimination and encourages the Government to speed up the current review of laws

and policies in order to identify and rectify provisions that discriminate against older persons, including those with disabilities.

87. She also encourages the Government to consider establishing an independent national equality body to monitor and report on discrimination issues, including discrimination against older persons, and to promote equality as well as to deal with discrimination complaints in an expeditious manner, ensuring access to justice in the fight against discrimination and inequalities.

88. Mindful of the colonial legacy and the constitutional anti-discrimination provision, the Independent Expert recommends that the Government continue to address the general patterns of discrimination that are prevalent in the country, perpetuated in old age and particularly affect certain communities and ethnic groups. She also notes the persistence of certain harmful traditional practices and deep-rooted stereotypes regarding the roles and responsibilities of women and men within the family and society at large, which are among the root causes of violence against women in the private and public spheres.

### 3. Violence and abuse

89. The Independent Expert expresses concerns about violence against and abuse and maltreatment of older persons and, in particular, older women in Namibia. She notes that the Government of Namibia recognizes that gender-based violence is a serious concern and has launched a National Media Campaign on Zero Tolerance for Gender-Based Violence to raise awareness and foster the prevention, detection and reporting of such cases. There is, however, too little discussion about the incidence of violence against and abuse of older persons in Namibia, given that it is estimated that some 4.6 per cent of older persons have experienced some form of maltreatment at home.

90. The Independent Expert stresses the need for further normative measures and mechanisms to ensure detection, reporting and investigation of all forms of abuse and maltreatment of older persons in institutional care and in family settings. Training of judges, lawyers and prosecutors is essential to ensure that investigations of cases of violence against older persons signal to the community that violence and abuse against older persons are serious crimes and will be treated as such.

91. The Independent Expert notes that strategies such as protection orders, which are effective in the case of violence against women, are less effective in relation to violence against older persons and that new legal solutions should be considered to address this phenomenon. There is also a need to provide shelters for victims of abuse and neglect.

92. In the light of the multidimensionality of abuse, maltreatment and violence against older persons, there is a need for a comprehensive, integrated and inclusive approach, involving different disciplines, organizations and actors, as well as older persons themselves, in identifying appropriate responses to abuse and violence. Caregivers, health professionals and law enforcement personnel need to be further sensitized and trained on how to prevent and detect elder abuse and on the unique needs of older victims of abuse and neglect.

93. Poverty, inequality and substance abuse, particularly of alcohol, are contributing factors, as are entrenched attitudes, including regarding corporal punishment. The Independent Expert reminds the Government of its obligations to ensure the protection of older persons and calls upon it to tackle these problems as a matter of priority, including through specific awareness-raising campaigns with specific messages, including on substance abuse, designed for older persons and their support networks.

94. In the Namibian context, through the universal old age grant, older persons are an important income source for the household and the extended family. Older persons are often abused and the grants used to meet young people's needs, while they are left to endure social isolation and economic deprivation. The Independent Expert stresses

the need for safeguards to be put in place against the financial exploitation and other forms of abuse or maltreatment of older persons.

97. The Independent Expert notes that there is a general lack of awareness among older persons in Namibia about their human rights and that this correlates with the tendency to underreport cases of violence and abuse involving older persons. There is a need to establish educational programmes on the rights of older persons that target them specifically, as well as informal caregivers and the extended family, to help improve disclosure of abusive experiences. When targeting older persons in Namibia, there is a need to use oral communication, especially in rural areas. Messages should be illustrative and translated into local languages.

98. The Independent Expert also reiterates the importance of raising awareness and changing peoples' negative and stereotyped attitudes and beliefs towards older persons at all levels of society, and encourages the Government to initiate an intergenerational dialogue. International human rights law, such as the Universal Declaration of Human Rights or the United Nations Principles for Older Persons, and general comment No. 6 (1995) on the economic, social and cultural rights of older persons of the Committee on Economic, Social, and Cultural Rights, should be further popularized and made much more widely available among the public. In addition, relevant domestic law and legislation have to be popularized in conjunction with a nationwide awareness-raising and sensitization campaign to educate older persons, in particular those marginalized in the realization of their rights, about the available remedies, to enable them to pursue legal action and exercise their rights.

4. Adequate standard of living and autonomy

99. The Independent Expert notes that older persons in Namibia do not generally enjoy an adequate and decent standard of living. She welcomes the launching of the Action Plan towards Prosperity for All, the so-called *Harambee* Prosperity Plan 2016/17-2019/20, which has a great potential to foster enjoyment by older persons of their rights, as it specifically refers to the social protection of older persons and addresses key areas such as hunger, poverty and housing, and calls upon the Government to ensure that the measures taken under this plan result in meaningful change on the ground.

100. The Independent Expert strongly urges the Government to address the right to adequate housing of older persons as a matter of priority. She recommends that the ongoing public housing programme be complemented with better urban infrastructure development programmes. There is also a need to develop slum upgrading projects to ensure that older persons in informal settlements can fully enjoy their human rights. The Independent Expert notes that while the Government recognizes the existing challenges with regard to access to land, the reform does not seem to have been effective and further measures will have to be taken in this regard.

101. The Independent Expert notes that the changing climate is already affecting the subsistence farming livelihood system and human well-being in north-central Namibia. There is a need for an in-depth analysis and mapping of persons in vulnerable situations, especially older persons. Unless community-based adaptation and mitigation strategies are developed to enhance the level of managing risks and future planning, households in north-central Namibia will not be able to cope and adapt to extreme climate-related events. In emergency situations, information on the humanitarian response and on the provision of services and support must be adapted to the specific needs and conditions of older persons, drawing upon existing standards, guidelines and best practices such as the Inter-Agency Standing Committee Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, the Peninsula Principles for Climate Displacement within States and the Guiding Principles on Internal Displacement. Owing to their experience, knowledge and skills, older persons should be part of all phases of the disaster risk reduction strategy, from mapping exercises to implementing solutions at the local level. This would empower local communities to develop practical and realistic approaches to the environmental challenges they face.

100. **The Independent Expert encourages the Government to progressively remove barriers to accessibility in buildings, roads and transportation and other facilities, such as medical centres and workplaces.**

### 5. Social protection and the right to social security

101. **The establishment and expansion of an extensive system of social grants and a network of social insurance and other occupational and private schemes is a significant achievement and provides a strong base for the future development of social protection. The Independent Expert notes, however, that additional measures are required to improve the design and implementation of the non-contributory system and to remove barriers that prevent older persons from receiving the benefits that they are entitled to.**

102. **The Independent Expert encourages the Government in its strategy of strengthening the existing social services, providing social grants and cash transfers to reduce poverty, improving access to health services and increasing social cohesion, including intergenerational cohesion. In the present fight against poverty, which is exacerbated by the challenges of structurally rooted inequality and destitution, all possible solutions, tools and answers are to be considered seriously and further discussed in a pragmatic and participatory way, without any ideological bias. Given the very positive resonance of the Basic Income Grant pilots, the Independent Expert commends the Namibian civil society and grass-roots organizations, donors and social workers as well as other advocates for their tremendous efforts in taking the initiative and implementing the projects. She notes that although it does not introduce a basic income grant, the *Harambee* Prosperity Plan refers to a Blueprint on Wealth Redistribution and Poverty Eradication (2016-2025) to be released by the Ministry of Poverty Eradication and Social Welfare. She notes that this initiative provides an opportunity to introduce a revised basic income grant and urges the Government to pursue this undertaking.**

103. **Addressing old-age poverty in Namibia is also linked to addressing child poverty. The Independent Expert therefore recommends the introduction of a universal child grant, which would not only lower the incidence of child poverty but may also have a direct, positive effect on old-age poverty, as well as the establishment of adequate childcare facilities.**

### 6. Care

104. **The Independent Expert, acknowledging that Namibia faces a number of serious health challenges, including an HIV/AIDS epidemic, malaria and tuberculosis, commends the Government for its efforts to ensure provision of adequate care to older persons.**

105. **While care is still, to a large extent, considered a family matter, the movement of the younger generation to urban areas has led to less availability of caregivers for older people and leaves large numbers of older men and women to look after themselves in the rural areas. Together with Namibia's low population density, accelerated levels of urbanization have the potential to erode the traditional family care system. The Independent Expert stresses that further investment by the Government in health and care infrastructure will be required to provide alternatives to the older persons in rural areas.**

106. **Welcoming the road map adopted by the Ministry of Health and Social Services to decentralize medical expertise from Windhoek to other parts of the country, the Independent Expert calls on the Government to step up its efforts to address the rural-urban health disparities and to remove the structural barriers to accessing health facilities, notably transportation, as well as health service delivery process barriers faced by older rural persons.**

107. **The Independent Expert recommends that a comprehensive study be carried out on the profile of informal caregivers to inform the development of a related policy. She notes that currently, health services in the communities are unsustainable due to**

the heavy reliance on volunteer health workers and the lack of adequate numbers of professional health and social workers, appropriate training, quality assurance and monitoring. Efforts in this regard need to be stepped up. Training for informal caregivers should include training in caring as well as in protecting the caregiver's own physical and mental health. The Independent Expert calls on the Government to implement such a strategy as a matter of priority. Family carers require comprehensive assistance, including community support and professional assistance such as counselling and advice, therapeutic day care and respite care services.

108. Older persons have different patterns of disease presentation than younger adults, they respond to treatments and therapies in different ways and they frequently have complex social needs that are related to their chronic medical conditions. It is therefore essential to ensure that the different categories of health workers and community members are sensitized to the needs of older persons and receive training in gerontology and geriatrics and that policies and guidelines on the care of older persons be developed. Capacity-building should also be directed towards rehabilitation professionals. Moreover, geriatric wards, including mental health units, should be established in all hospitals to ensure comprehensive, compassionate care that recognizes the special needs of older persons with a view to optimizing their quality of life and functional ability.

109. The Independent Expert encourages the Government to restore its Home Based Care Programme to ensure that older people can remain in their own homes for as long as possible, receiving the necessary care according to each older person's own needs. She also notes the need to expand the existing capacities of assisted living facilities. The Independent Expert furthermore encourages Namibia to establish day-care centres for older persons in the community, to decrease loneliness. Such centres should facilitate the involvement of older persons in community projects such as soup kitchens, needlework and gardening and provide learning opportunities, including about their human rights and self-care.

110. In view of the limited awareness in Namibian society about dementia and the misinterpretation of its symptoms as a form of mental illness, the Independent Expert strongly encourages the Government to make dementia a public health priority. There is a need, inter alia, to integrate dementia services at the primary health-care level, to further build the capacities of doctors not only to diagnose and treat dementia but also with regard to psychosocial interventions for dementia, and to provide training in dementia care. Activities in care homes also need to be improved and standardized to cater for the specific needs of persons suffering from dementia. In addition, there is a need to expand care facilities for patients with mental disorders.

## C. Recommendations to the international community

111. The international community has an important role to play in assisting and cooperating with the Government of Namibia to fully implement the existing international instruments with regard to older persons, in tandem with non-governmental organizations and all civil society actors. The Independent Expert recognizes the Government's political determination and vision of how to improve the lives of all Namibians by 2030 and to ensure the full enjoyment by older persons of their human rights. It is essential in this regard that Namibia's efforts to address the challenges of an ageing society and, in particular, the fight against old-age poverty be supported and complemented by the international community.